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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,775	03/22/2004	Lawrence G. Hopkins	HTR007-1P US	2371

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EXAMINER
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NGUYEN, NINH H

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,775

Applicant(s)

HOPKINS, LAWRENCE G.

Examiner

Ninh H. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10,21,25,27,29 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10,21,25,27 and 29 is/are allowed.
- 6) ☒ Claim(s) 32-40 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 41-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement-drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/19/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is in response to the Request for Continued Examination (RCE) dated 19 July 2006. While reviewing the references list in the PTO form 1449 submitted with the RCE, it is determined that one of those references reads on claims 32-40, and 45-47. Therefore, the Examiner regretfully withdraws the allowability of these claims.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 32-38, 40, and 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Osborne et al. (6,792,766).

Osborne discloses fan array fan section of an air-handling system (Figs. 10-16), comprising a plurality of independently controllable fan units (Fig. 10), each fan unit comprising an inlet cone, a fan, and a motor; said plurality of fan units arranged in a fan array; an air-handling compartment (the attic of the house shown in Fig. 10) within which said fan array of fan units is positioned; and an array controller 333 for controlling said plurality of fan units to selective ones of said plurality of fan units on and off (col. 15, lines 29-58);

wherein said air-handling compartment has an airway path 330, said airway path being less than 72 inches (judging from the size of an air duct of a typical residential unit);

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wherein said plurality of fan units are a plurality of fan units arranged in a true fan array configuration (Fig. 10);

wherein each of the plurality of fan units is positioned within a fan unit chamber (Fig. 10);

wherein each of the plurality of fan units is suspended within a respective fan unit chamber such that there is an air relief passage therebelow (Fig. 10); and

wherein the air-handling compartment positionable within a structure 300 such that the air-handling system conditions the air of the structure.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osborne in view of O'Connell (3,156,233).

Osborne discloses all the limitations except the fan unit chambers each does not have at least one acoustically absorptive insulation surface as claimed.

O'Connell teaches an air-handling apparatus comprising a fan 20 disposed in a chamber 10 wherein the chamber 10 comprising a plurality of fiberboards 37 positioned at various locations within the chamber to absorb the fan noise (col. 1, lines 47-53).

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to make the fan unit chambers of Osborne with a plurality of fiberboards disposed within each fan unit chamber for the purpose of absorbing the fan noise as taught by O'Connell.

***Allowable Subject Matter***

5. Claims 1-10, 21, 25, 27, 29, and 31 allowed.
6. Claims 41-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Terrell et al. (6,675,739) is cited to show an air handling system having an array of fans.

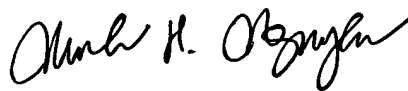
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).



NINH H. NGUYEN  
PRIMARY EXAMINER

Nhn  
August 7, 2006